

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE ED STACKHOUSE,

Plaintiff,

Case No. 1:07-cv-1094

v.

Honorable Wendell A. Miles

MAGISTRATE JUDGE
TIMOTHY P. GREELEY et al.,

Defendants.

ORDER OF DISMISSAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On November 7, 2007, the Court entered an order of deficiency (docket #3) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file a certified copy of his prisoner trust account statement for the past six months as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than thirty days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite prisoner trust account statement to apply to proceed *in forma*

pauperis. Because Plaintiff has wholly failed to comply with the Court's order, dismissal of this action without prejudice for want of prosecution is appropriate. Therefore:

IT IS ORDERED that the captioned case is DISMISSED without prejudice. Plaintiff shall remain liable for payment of the \$350.00 civil action filing fee.

Dated: December 20, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior United States District Judge